



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	122	Manual of Requirements for Child Care Centers	8/6/2009
Subchapter:	5	Physical Facility Requirements	
Section	2	Physical plant requirements for all centers (N.J.A.C. 10:122-5.2)	

§10:122-5.2 Physical plant requirements for all centers

(a) Indoor maintenance and sanitation requirements are as follows:

1. The center shall be free of moisture resulting from water leaks or seepage.
2. Floors, carpeting, walls, window coverings, ceilings, and other surfaces shall be kept clean and in good repair.
3. Stairways shall be free of tripping hazards, such as toys, boxes, loose steps, uneven treads, torn carpeting, raised strips, or uneven risers.
4. Carpeting shall be securely fastened to the floor.
5. Garbage receptacles shall be:
 - i. Made of durable, leakproof and nonabsorbent materials;
 - ii. Covered in a secure manner;
 - iii. Emptied to the outdoor garbage receptacle when filled; and
 - iv. Maintained in a sanitary manner.
6. Food waste receptacles shall be lined and maintained in clean and sanitary condition.
7. The center shall be free of rodent or insect infestation and shall take immediate action to remove any infestation that may occur. The center shall maintain on file a record documenting the use of extermination services.
8. Pesticides for indoor and outdoor use shall be used in accordance with the manufacturer's directions and in keeping with the applicable provisions specified in N.J.A.C. 7:30-10, Pesticide Control Code.
 - i. No pesticides shall be applied in or around a child care center during operating hours.

ii. Before applying pesticides, all toys and non-permanent play equipment shall be removed from outdoor play areas and/or indoor play areas.

9. Toilets, wash basins, kitchen sinks, and other plumbing shall be maintained in good operating and sanitary condition.

10. All corrosive agents, insecticides, bleaches, detergents, polishes, any products under pressure in an aerosol spray can, and any toxic substance shall be stored in a locked cabinet or in an enclosure located in an area not accessible to the children.

11. All windows and other glass surfaces that are not made of safety glass and that are located within 36 inches above the floor shall have protective guards.

12. Install window guards, with approval of the local fire official, or provide an alternative method to ensure that children cannot fall out of windows.

13. Ensure that window blind cords and other cord/rope items that present risk of harm are inaccessible to children.

14. All balconies, rooftops, verandas, and/or all floor levels used by children that are above the first floor and subject the children to an open drop or atrium shall be protected by barriers consisting of safety glass, Plexiglas, or any other materials approved by the Office of Licensing. Such barriers shall extend at least five feet above the floor level.

15. Ventilation outlets shall be clean and free from obstructions, and filters shall be replaced when saturated.

16. Walls shall be painted or otherwise covered whenever there is evidence of:

- i. Excessive peeling or chipped paint; or
- ii. Heavily soiled conditions.

17. All televisions and computers shall be secured on a stable surface and shelving shall be secured and not be overloaded.

18. Ensure that microwave ovens, toaster ovens, and other portable devices used to heat or prepare food are out of children's reach, secured on a stable surface, and not in use when children are in the area in order to ensure the safety of children.

19. The center shall test for the presence of radon gas in each classroom on the lowest floor level used by children at least once every five years and shall post the test results in a prominent location in all buildings at the center, as specified in N.J.S.A. 30:5B-5.2.

20. The center shall comply with the provisions specified in P.L. 1999, c. 362 (N.J.S.A. 30:5B-5.5) requiring reports of drinking water tests to be

posted in all buildings at the center when received from a water supply company or prepared by the center, if applicable.

(b) Outdoor maintenance and sanitation requirements are as follows:

1. The building, land, walkways, and outdoor play area shall be free from hazards to the health, safety or well-being of the children.

2. The outdoor play area shall be graded or provided with drains to dispose of surface water.

3. The building structure shall be maintained to prevent:

- i. Water from entering;
- ii. Excessive drafts or heat loss; and
- iii. Infestation from rodents and insects.

4. The railings of balconies, landings, porches, or steps shall be maintained in safe condition.

5. Garbage receptacles shall be:

- i. Made of durable, leakproof and nonabsorbent materials;
- ii. Covered in a secure manner and located in an outdoor area; and
- iii. Maintained in a sanitary manner.

6. Centers that provide outdoor space shall maintain in proper condition all fencing or other natural or man-made barriers or enclosures.

7. The center shall comply with the Playground Safety Subcode of the New Jersey Uniform Construction Code, as specified in N.J.A.C. 5:23-11, which requires playgrounds operated by any governmental entity, nonprofit entity, or private for-profit entity to meet the specifications for resilient surfacing and all other elements set forth in the Handbook for Public Playground Safety of the United States Consumer Product Safety Commission (CPSC).

i. Each center operated by a nonprofit entity shall ensure that all playground elements other than surfacing comply with the Playground Safety Subcode by October 18, 2014.

ii. The center shall ensure that all newly constructed playgrounds and all new and replacement playground equipment comply with the Playground Safety Subcode upon installation.

iii. Centers that take children to a community playground shall ensure that the playground surfacing and all other elements comply with the Playground Safety Subcode within the applicable time limits before being used by the children.

(c) Lighting requirements are as follows:

1. All fluorescent tubes and incandescent light bulbs shall have protective covers or shields.

2. During program activities, at least 20 foot-candles of natural or artificial light shall be provided in all rooms used by the children. This illumination shall be measured three feet above the floor at the farthest point from the light source.

3. Parking areas, pedestrian walkways, or other exterior portions of the premises subject to use by center occupants at night shall be illuminated to provide safe entrance to and egress from the center.

(d) Heating requirements are as follows:

1. A minimum temperature of 68 degrees Fahrenheit shall be maintained in all rooms used by the children.

2. Steam and hot water pipes and radiators shall be protected by screens, guards, insulation, or any other suitable, non-combustible protective device.

3. The center shall not use portable liquid fuel-burning or wood-burning heating appliances or electric space heaters.

(e) All fans that are accessible to the children shall have a grille, screen, mesh, or other protective covering.

(f) Toilet facility requirements are as follows:

1. A supply of soap, toilet paper, and individual hand towels or disposable paper towels shall be provided.

2. Mirrors, dispensers, and other equipment shall be fastened securely.

3. Platforms shall be available as appropriate for use by the children when adult size toilets, and/or sinks, and/or urinals are used by the children.

(g) A center utilizing a kitchen facility and/or food preparation area shall ensure that the cooking equipment and kitchen facility are kept in clean and sanitary condition and are operated in compliance with applicable provisions of the State Sanitary Code, as specified in N.J.A.C. 8:24.

(h) Lead paint precautions are as follows:

1. The center shall be free from lead paint hazards.

2. The center shall comply with the lead paint inspection requirements specified in (h)3 below, unless the center:

- i. Is located in a building constructed after 1978; or

- ii. Submits documentation to the Office of Licensing of a previous lead paint inspection conducted by a Lead Inspector/Risk Assessor, who is certified and employed as specified in (h)3 below, indicating the center is free of lead-based paint hazards; or

iii. Submits documentation to the Office of Licensing and the local department of health of:

(1) A lead paint inspection and risk assessment conducted by a Lead Inspector/Risk Assessor, who is certified and employed as specified in (h)3 below, within the previous 12 months indicating the presence of lead; and

(2) A lead paint risk management plan currently in progress at the center.

3. The center shall ensure that a lead paint inspection of all painted surfaces of the center is conducted by a Lead Inspector/Risk Assessor, who is certified by the New Jersey Department of Community Affairs (DCA) and employed by either a public health agency or a lead evaluation contractor certified by DCA, as specified in N.J.A.C. 5:17.

i. If the lead paint inspection indicates the center is free of lead-based paint hazards, the center shall submit documentation of the inspection results to the Office of Licensing and the local department of health.

ii. If the lead paint inspection indicates the presence of lead, the center shall ensure that a lead paint risk assessment of the center is conducted by a Lead Inspector/Risk Assessor, who is certified and employed as specified in (h)3 above.

iii. The center shall submit documentation of the risk assessment results to the Office of Licensing and the local department of health.

4. If a lead paint risk assessment indicates the presence of a lead hazard, the center shall:

i. Ensure that all lead hazards are abated pursuant to N.J.A.C. 5:17 and 5:23 by a Lead Abatement Contractor who is certified and employed as specified in (h)3 above;

ii. Submit to the Office of Licensing and the local department of health a certificate of lead abatement issued by the local construction official, or other documentation as appropriate, reflecting that appropriate remedial action to abate the lead hazard has been completed; and

iii. Inform the parents of all enrolled children that a lead paint hazard has been found at the center and will be or has been abated, as applicable.

5. If any area of the center is renovated or damaged after a lead paint risk assessment has been conducted, the center shall:

- i. Ensure that an additional risk assessment is conducted by a Lead Inspector/Risk Assessor who is certified and employed as specified in (h)3 above; and

- ii. Submit the results of the additional risk assessment to the Office of Licensing and the local department of health.

6. The center shall follow the recommendations of the local department of health for enclosure, removal or other appropriate action to abate lead hazards, and shall permit the local department of health to conduct follow-up inspections to ensure compliance with State statutes governing lead paint hazards.

7. If a previous lead paint inspection indicates the presence of lead, or a lead paint risk management plan is in progress at the center, the center shall:

- i. Ensure that a lead paint risk assessment is conducted by a Lead Inspector/Risk Assessor who is certified and employed as specified in (h)3 above, upon renewal of the center's license; and

- ii. Submit the results of the risk assessment to the Office of Licensing and the local department of health.

(i) Environmental condition precautions are as follows:

1. At the time of the initial application, any renewal application, relocation of an existing licensed center and, in the discretion of the Office of Licensing, any other time, the applicant/facility operator shall submit a written certification to the Office of Licensing indicating whether the building has ever housed a use that was classified under the Uniform Construction Code, N.J.A.C. 5:23, as any of the following:

- i. Group F - factory/industrial;

- ii. Group H - high hazard;

- iii. Group S - storage;

- iv. Group B - dry cleaners or nail salons;

- v. Group M - gas stations; or

- vi. Group A - funeral home.

2. For those buildings that predate the Uniform Construction Code, the facility operator shall at minimum, conduct a Preliminary Assessment in accordance with the Department of Environmental Protection's Technical Requirements for Site Remediation (N.J.A.C. 7:26E) to determine whether the building ever housed a use that would have been classified as any of those uses had the Uniform Construction Code been in effect.

3. In the event that the building housed a use that was or would have been classified as any of those uses listed in (i)1 above, the facility

operator shall certify in writing to the Office of Licensing that the site of the center:

i. Complies with the Madden legislation (P.L. 2007 c. 1), the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.), the Technical Requirements for Site Remediation (N.J.A.C. 7:26E), and the Department of Environmental Protection's Guidance Document for Environmental Guidance for all Childcare Facilities and Educational Institutions, incorporated by reference, as amended and supplemented, which can be found at <http://nj.gov/dep/srp/guidance>;

ii. That the facility operator has contacted the Department of Environmental Protection to determine what further steps, if any, are necessary to address the risks posed by the prior historical use, and the facility operator has complied with all recommended corrective actions;

iii. Has conducted an Indoor Environmental Health Assessment (IEHA) that has been performed by a Licensed Indoor Environmental Consultant in accordance with the Department of Health rules (N.J.A.C. 8:50); and

iv. Has submitted the IEHA to the Department of Health for review and evaluation of the indoor environmental conditions in the building where the center is located.

4. At the time of the initial application, any renewal application, relocation of an existing licensed center and, in the discretion of the Office of Licensing, any other time, the applicant/facility operator shall certify in writing that the center provides a potable water supply provided by a public community water system. If the facility or site is not provided a potable water supply by a public community water system, the applicant shall provide potable water sampling results demonstrating compliance with maximum contaminant levels for all contaminants required to be tested pursuant to N.J.A.C. 7:10-5 for public non-transient, non-community (NTNC) water systems, including radiological contaminants, regardless of whether they meet the definition of NTNC systems as defined at N.J.A.C. 7:10-1.3. This sampling shall have been conducted within three years of the date of application submission, except nitrates and coliform, for which the sampling shall have been conducted within 90 days of submitting the application.

5. At the time of the initial application, any renewal application, relocation of an existing licensed center and, in the discretion of the Office of Licensing, any other time, the applicant/facility operator shall certify in writing that the center complies with all existing Department of Children and Families regulatory requirements for child care centers with respect to radon, asbestos, and lead listed in (a)14 and (h) above and (j) below.

6. At the time of the initial application, any renewal application, relocation of an existing licensed center and, in the discretion of the Office of Licensing, any other time, the facility operator shall submit to the Office of Licensing a No Further Action letter, Child Care Facility Approval letter, Response Action Outcome letter, or other approval, which indicates that no further remediation is needed for the site from the Department of Environmental Protection, which indicates that no further remediation is needed for the site on which the center is located.

7. At the time of the initial application, any renewal application, relocation of an existing licensed center, and, as determined by the Office of Licensing, on a case-by-case basis, the facility operator shall submit to the Office of Licensing a Safe Building Interior Certification or other approval issued by the Department of Health that indicates that no further remediation is needed for the interior of the building in which the center is located.

8. The Office of Licensing shall not issue licenses or renewals to child care centers that are co-located in a building or other structure that contains a dry cleaner or nail salon unless the applicant obtains indoor air sampling that demonstrates that there is no impact to the child care center.

(j) Asbestos precautions are as follows:

1. The building shall comply with the applicable provisions of the Asbestos Hazard Abatement Subcode of the NJUCC, as specified in N.J.A.C. 5:23-8, as well as the NJDEP, as specified in N.J.A.C. 7:27-17.2.

2. An inspection for asbestos containing materials shall be conducted as part of the Indoor Environmental Health Assessment. If the New Jersey Department of Health determines that corrective action must be taken to minimize exposure potential, the sponsor/sponsor representative shall follow the recommendation of that Department for enclosure, removal, or other appropriate action to remove the threat or risk of asbestos contamination, as specified in N.J.A.C. 5:23-8.

(k) Swimming pool requirements are as follows:

1. Pools that are at least 24 inches in depth shall be defined as swimming pools and subject to the requirements specified in (k)2 below.

2. The center shall ensure that any swimming pool or natural bathing place used by the children complies with applicable provisions of the Public Recreational Bathing Rules, as specified in N.J.A.C. 8:26, and with applicable provisions of the Building Subcode and Barrier-free Subcode of the NJUCC, as specified in N.J.A.C. 5:23.

3. The center shall ensure that the children using swimming pools or natural bathing facilities are supervised in accordance with applicable provisions of the New Jersey Youth Camp Safety Act rules, as specified in N.J.A.C. 8:25.

4. If a child defecates in the swimming pool, all solid wastes shall be removed and the pool shall be super-chlorinated and not used until the chlorine level returns to levels identified as acceptable in the Public Recreational Bathing Rules, N.J.A.C. 8:26.

(f) Emergency procedure requirements are as follows:

1. The center shall prepare written emergency procedures delineating:

i. The location of the first aid kit and any additional first aid supplies;

ii. The name, address and telephone number of the physician retained by the center or of the health facility to be used in emergencies;

iii. The procedure for obtaining emergency transportation;

iv. The hospital and/or clinic to which injured or ill children will be taken;

v. The telephone numbers for obtaining police, fire, ambulance and poison control services, including the National Poison Emergency Hotline at (800) 222-1222;

vi. The location of written authorization from parent(s) for emergency medical care for each child;

vii. A diagram showing how the center is to be evacuated in case of emergency;

viii. The location of fire alarms and fire extinguishers; and

ix. Procedures for ensuring children's safety and communicating with parents in the event of evacuation, lockdown, natural or civil disaster, and other emergencies. The procedures shall indicate:

(1) The plan for informing parents of their children's whereabouts; and

(2) The local law enforcement agency or emergency management office that has been notified of the center's identifying information, as specified in (f)3 below.

2. The emergency procedures shall be posted in a prominent location on every floor within the center.

3. The center shall ensure that the appropriate local law enforcement agency or emergency management office is notified of:

i. The center's name and location;

ii. The number, ages, and special needs of children enrolled;

iii. The number of staff;

iv. The need for emergency transportation;

- v. The location to which children will be evacuated;
- vi. The plan for a lockdown; and
- vii. The plan for reuniting children with their parents.

(m) Supplemental evacuation requirements are as follows:

1. Children under 21/2 years of age shall be limited to the floor level of exit discharge in all buildings for centers that are new and relocating centers licensed after September 1, 2013. Centers that are permitted to have children under the age of 21/2 to occupy a floor above or below the level of exit discharge shall be required to provide additional staff in order to ensure safe and prompt evacuation.

2. Cribs, beds, playpens, and cots used for rest or sleep shall be arranged so as to provide access to a three-foot-wide aisle that leads to an unobstructed exit.

3. To assure the safe and timely evacuation of the children from the center during a fire or other emergency, centers required to secure a Certificate of Life/Safety Approval shall meet the minimum staff/child ratio requirements, as specified in N.J.A.C. 10:122-4.3(c).

(n) Fire prevention requirements are as follows:

1. The center shall conduct fire drills at least once a month, as specified in the NJUFC. The center shall ensure that fire drills are conducted during each session provided at the center.

2. The center shall ensure that all children present are evacuated from the building within three minutes during each fire drill.

3. The center shall maintain on file a record of each fire drill, as specified in the NJUFC, which record shall include:

- i. The date and time of day of the drill;
- ii. The weather condition at the time of evacuation;
- iii. The number of participating children and staff members; and
- iv. The total amount of time taken to evacuate the center.

4. All fire extinguishers shall be visually inspected once a month, and serviced and tagged at least once a year and recharged, if necessary, as specified in the NJUFC.

(o) First aid requirements are as follows:

1. At least two staff members who have current certified basic knowledge of first aid principles and cardiopulmonary resuscitation (CPR), as defined by a recognized health organization (such as the American Red Cross), shall be in the center at all times when enrolled children are present.

2. The following equipment shall be placed in a location that is convenient and accessible to staff members:

i. A standard first aid kit, which is fully restocked within 24 hours of use; and

ii. The American Red Cross First Aid Manual or its equivalent.

(p) Play equipment, materials, and furniture for indoor and outdoor use shall be of sturdy and safe construction, non-toxic and free of hazards.

(q) Space and room requirements are as follows:

1. All space and rooms within the center to be used by children shall be inspected and approved by the Office of Licensing prior to their use. In making its determination, the Office of Licensing shall consider whether the space is too far removed, remote, or isolated from other areas of the center to be used by children.

i. For those rooms or areas that are too far removed, remote, or isolated from other centrally located rooms or areas of the center, the Office of Licensing may require the use of additional staff members, above those required for staff/child ratios, before granting approval.

ii. Rooms or areas of the center that are not Office of Licensing-approved for use by children shall be made inaccessible to children.

2. At no time shall a center allow more children in attendance than the number specified on its license or Certificate of Life/Safety Approval.

3. Indoor space requirements for play rooms and/or sleep rooms are as follows:

i. There shall be a minimum of 30 square feet of usable activity indoor floor space for each child in centers that:

(1) Began operating prior to July 1, 1989; or

(2) Began operating on or after July 1, 1989 and serve fewer than 16 children.

ii. There shall be a minimum of 35 square feet of usable activity indoor floor space for each child in centers that began operating on or after July 1, 1989 and serve 16 or more children.

iii. The minimum square footage of usable activity indoor floor space shall be determined by excluding the space used in or by hallways, toilet facilities, offices, storage rooms, staff rooms, furnace rooms, kitchen areas, lockers, closets, and other stationary equipment or areas that children do not use for sleep or play.

iv. Centers serving sick children shall comply with the variation provisions on determining net indoor floor space per child, as specified in N.J.A.C. 10:122-8.4(a).

v. The center shall identify all rooms of the center that have been approved by the Office of Licensing. This identification shall consist of numbers, letters, names, or any other means of identification and shall be located either inside or directly outside each room.

4. Separate room or area requirements for children who become ill are as follows:

i. There shall be a room, section of a room, or a separate area in the center to which children who are exhibiting those illnesses, symptoms of illness, and diseases specified in N.J.A.C. 10:122-7.1(c) shall be taken and where they shall be cared for until they can return home, be suitably cared for elsewhere, or be diagnosed as posing no health risk to themselves or others.

ii. The separate room, section or area shall be furnished with sleeping equipment and sheets, blankets or other coverings.

iii. Centers serving only sick children shall comply with the variation provision for separating ill children, as specified in N.J.A.C. 10:122-